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05 AUG 2002

Legal Staff
International Division

To: PCT Legal Office
USPTO

Facsimile: (703) 308-6459
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From: David L. Devernoe

Date: August 5, 2002

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Re: This is a duplicate of the same petition faxed to the Office of Petitions on July 24, 2002 at 703-308-6916.

| | |
|---|---------------------------------|
| Docket No.: 280502000200 | Atty: Karen B. Dow |
| Serial No.: 09/936,887 | Filing Date: September 11, 2001 |
| Title: METHODS AND COMPOSITIONS FOR TREATING LEUKEMIA | |
| Date of Facsimile Transmission: August 5, 2002 | |

Papers enclosed herewith:

1. Fax Coversheet (1 page)
2. Transmittal (1 page)
3. Petition to Withdraw Holding of Abandonment (3 pages)
4. Copy of Notice of Abandonment (1 page)
5. Copy of Deposit Account Statement (2 pages)
6. Copy of Transmittal Letter dated April 30, 2002 (2 pages)
7. Copy of Petition for Extension of Time dated April 30, 2002 (1 page)
8. Copy of Declaration for Utility Patent Application as filed April 30, 2002 (4 pages)
9. Copy of Notification of Missing Requirements (2 pages)
10. Copy of Memo from Lackenbach Siegel Marzullo & Aronson, P.C. (1 page)

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE ON _____.

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|---|--------------------|
| Application Number | 09/936,887 |
| Filing Date | September 11, 2001 |
| First Named Inventor | Chaim M. ROIFMAN |
| Group Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Total Number Of Pages In This Submission | 18 |
| Attorney Docket No. | 280502000200 |

ENCLOSURES (check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice of Abandonment Copy of Deposit Account Statement Copy of 4/30/02 submission Copy of Memo from Lackenbach et al. Fax Coversheet |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

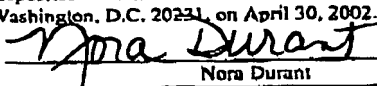
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

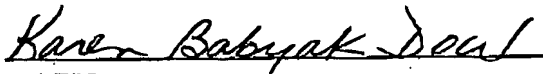
| | |
|--|---|
| Firm or Individual Name | Karen B. Dow Reg. No. 29,684 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130 |
| Signature | <i>Karen Babayak Dow</i> |
| Date | July 24, 2002 |

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Office of Petitions at (703) 308-6916 at the United States Patent and Trademark Office in Washington, D.C. on July 24, 2002.

Rebekah Werth
Rebekah Werth

| | | | |
|--|---|--|--|
| FORM PTO-1390 OFFICE (REV 11-2000) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK ATTORNEY DOCKET NUMBER 280502000200 | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371 | | | |
| INTERNATIONAL APPLICATION NO. PCT/CA00/00266 | INTERNATIONAL FILING DATE March 13, 2000 | PRIORITY DATE CLAIMED March 12, 1999 | |
| TITLE OF INVENTION METHODS AND COMPOSITIONS FOR TREATING LEUKEMIA | | | |
| APPLICANT(S) FOR DO/EO/US Chalm M. ROIFMAN, et al. | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11. to 16. below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Petition for Extension of Time, copy of Notification of Missing Requirements and return receipt postcard. | | | |
| CERTIFICATE OF MAILING BY "FIRST CLASS MAIL" | | | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX PCT, Washington, D.C. 20231, on April 30, 2002. <div style="text-align: center;">  Nora Durant </div> | | | |

| | | | | | |
|---|---------------------|---|-------------|---|-----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) * | | INTERNATIONAL APPLICATION NO. PCT/CA00/00265 | | ATTORNEY'S DOCKET NUMBER: 280502000200 | |
| 21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4).....\$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00 | | | | CALCULATIONS PTO USE ONLY | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | - 20 = | | x \$18.00 | \$ | |
| Independent claims | - 3 = | 0 | x \$80.00 | \$ | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$270.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$0 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | \$ |
| TOTAL NATIONAL FEE = | | | | \$0 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ |
| TOTAL FEES ENCLOSED = | | | | \$0 | |
| | | | | Amount to be refunded: | \$) |
| | | | | charged: | \$) |
| a. <input type="checkbox"/> A check in the amount of \$ ___ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my <u>Deposit Account No. 03-1952</u> in the amount of \$ ___ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to <u>Deposit Account No. 03-1952</u> referencing attorney docket number 280502000200. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Karen B. Dow Morrison & Foerster LLP 3811 Valley Centre Drive Suite 500 San Diego, California 92130-2332 </div> <div style="width: 45%; text-align: center;">  SIGNATURE Karen B. Dow Registration No. (29,684) </div> </div> | | | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/936,887 | | Chaim M Roifman | 280502000200 |

Karen B. Dow
Morrison & Foerster
3811 Valley Center Drive
Suite 500
San Diego, CA 92130-2332

CONFIRMATION NO. 2918

ABANDONMENT/TERMINATION
LETTER

OC000000008224082

Date Mailed: 06/03/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/01/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).


Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202


PART 2 - COPY TO BE RETURNED WITH RESPONSE

| | | |
|---|-----------------------|------------------|
|  | | |
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/936,887 | Chaim M Roifman | 280502000200 |

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/CA00/00266 | |
| LA FILING DATE | PRIORITY DATE |
| 03/13/2000 | 03/12/1999 |

Karen B. Dow
Morrison & Foerster
3811 Valley Center Drive
Suite 500
San Diego, CA 92130-2332

DOCKETED MISSING REQ DUE
REMINDER: 12/1/2001
DUE DATE: 1/1/2002
FINAL DUE DATE: 6/1/2002

CONFIRMATION NO. 2918
371 FORMALITIES LETTER

0000000007001153

Date Mailed: 11/01/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

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NOV 06 2001

MORRISON & FOERSTER
SAN DIEGO

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

| | | |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
| 09/936,887 | PCT/CA00/00266 | 280502000200 |

To:

From:

Celia 12002

WITH COMPLIMENTS FROM
LAW OFFICES OF

LACKENBACH SIEGEL MARZULLO & ARONSON, P.C.
Penthouse Suite
ONE CHASE ROAD
Scarsdale, New York 10583
(914) 723-4300

(212) 619-9100

Memo:

*received in
envelope from
U.S. P.T.O.*

☒ URGENT☒ for your records☐ for your information☐ for your comments & return☐ for your approval and return☐ please handle☐ please telephone me☐ please sign and return☐ please acknowledge receipt

USPTO/PCT LEGAL

8703 308 6459

*** RX REPORT ***

RECEPTION OK

| | |
|----------------|----------------|
| TX/RX NO | 9167 |
| CONNECTION TEL | 858 720 5125 |
| CONNECTION ID | |
| START TIME | 08/05(MO)13:43 |
| USAGE TIME | 05'59" |
| PGS. | 18 |
| RESULT | OK |